

Notice of Allowability

Application No.

10/522,957

Examiner

Ling-Siu Choi

Applicant(s)

MEESTERS ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/27/2006.
2. ☒ The allowed claim(s) is/are 16-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is in response to the Response and Amendment filed February 27, 2006. Claims 1-15 were canceled and claims 16-29 have been added. Claims 16-29 are now pending.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CAR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jarrod N. Raphael on April 19, 2006.

3. The application has been amended as follows:

Cancel claims 20-29 without prejudice.

Allowable Subject Matter

4. Claims 16-19 are allowed.

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5. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest references: Sakai et al. (EP 0 916 701 A1) and Morini et al. (US 2003/0060581 A1).

A process to prepare a propylene polymer	
having the following features:	
A	a content of isotactic pentad (mmmm) > 97%
B	Mw/Mn \geq 6
C	Mz/Mw \leq 5.5
being obtained by a process comprising only one polymerization stage in the presence of a Ziegler-Natta catalyst comprising a solid catalyst component : Mg, Ti, at least one halogen, and at least two electron donor compounds wherein the electron donor compounds comprise	
<ul style="list-style-type: none"> • 15 to 50 mol% of at least one non-extractable succinate selected from esters of succinic acids which are not extractable by more than 20 mol% and • at least one extractable electron donor compound which is extractable by more than 30 mol% 	
[All mol% with respect to a total amount of the electron donor compounds]	
an organo-metal compound	
an outside electron donor - a highly stereoregulated electron donor compound	

(summary of claim 1)

Sakai et al. disclose a resin composition comprising a crystalline polypropylene having an isotactic pentad proportion (mmmm) of 98.7 %; a molecular weight distribution expressed by weight average molecular weight /number average molecular

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weight (M_w/M_n) of 6; and a molecular weight distribution expressed by z-average molecular weight/weight average molecular weight (M_z/M_w) of 3.6 or 3.8 (Tables 6-7, Comparative Examples 1, 3, and 4). However, Sakai et al. do not teach or fairly suggest a process to prepare the polymer in the presence of a catalyst comprising a combination of 15-50 mol % of at least one non-extractable succinate which is not extractable by more than 20 mol % and at least one extractable electron donor compound which is extractable by more than 30 mol %.

Morini et al. disclose a process to prepare propylene polymer obtained in the presence of a catalyst comprising (A) a solid catalyst component, (B) an organo-metal compound, (C) an external electron donor, wherein the solid catalyst component comprises (a) Mg, Ti, and halogen and (b) at least two electron donors, wherein at least one of the electron donor is 15-50 mol % of esters of succinic acid which are not extracted for more than 20 and at least another electron donor which is extractable for more than 30 mol % (claims 1 and 13). Attention is directed to Table 2, wherein Example 3 demonstrates that a combination of rac diethyl 2,3diisopropyl succinate, meso diethyl 2,3-diisopropylsuccinate, and diisobutylphalate is used and Example 4 shows that a combination of rac diisobutyl 2,3-diisopropylsuccinate, meso diisobutyl 2,3-diisopropylsuccinate, and diisobutylphalate is utilized. Morini et al. further disclose the **propylene polymer has pentad (mmmm) ≤ 97** (claim 21). Thus, Morini et al. do not teach or fairly suggest a process to prepare a propylene polymer having a pentad (mmmm) > 97 .

In light of the above discussion, it is evident as to why the present claims are

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patentable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



LING-SUI CHOI
PRIMARY EXAMINER

April 25, 2006